

regarding personal mention of physicians, laid down by Editor Jones and adhered to by the Council and official journal, during these last twenty-five years, is well expressed.

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**State Board of Medical Examiners News Items.**—Also in this month's issue, in the second column on the last page of the regular text, Secretary Pinkham submits some interesting news concerning decisions handed down in recent court hearings.

The first clipping refers to an opinion rendered by Judge C. J. Goodell of the Superior Court of San Francisco, in which that jurist reaffirmed the ruling that the practice of medicine by a corporation is illegal. Some years ago a test case in the Los Angeles Superior Court, instituted by the Council, was strenuously fought. It is reassuring to find that the principle, then established, is now again recognized in one of the higher courts.\*

Other items chronicle legal controversies among chiropractors, and between naturopaths and chiropractors. In the one instance, a lower court ruled that since the chiropractic law (which was passed some years ago, by initiative vote of the California electorate) failed to define what was "chiropractic" practice, a practitioner haled into court for having practiced without a chiropractic license, could not be prosecuted, as he had violated no legal provisions in the chiropractic act of California!

In another case, carried to the Supreme Court of the United States by the "United States Naturopathic Association, Ltd.," the petitioning naturopaths sought to prevent the California Board of Chiropractic Examiners from arresting and interfering with "naturopath-chiropractors." But the highest federal court passed the legal controversy back to California courts for decision.

A third item cited the opinion of Superior Judge Charles L. Allison, in which he sustained a lower court judgment against a chiropractor who had been brought before the bench on a charge of having violated the State Medical Practice Act.

\* References to articles and items on subject of corporate practice of medicine, and printed in CALIFORNIA AND WESTERN MEDICINE, include:

Editorial—Can a Corporation Practice Medicine: Court Rules Not, Vol. 33, No. 5, page 820 (November, 1930).

Judge Blake's Decision, Vol. 33, No. 5, page 846 (November, 1930).

Editorial—Corporations Cannot Practice Medicine for Profit in California (Senate Bill 175 (Fellom) defeated), Vol. 34, No. 6, page 419 (June, 1931).

Michael M. Davis—Do Corporations Practice Medicine? Vol. 37, No. 2, page 128 (August, 1932).

Corporate Practice—Council Minutes (212th Meeting), Item 13, Vol. 38, No. 4, page 319 (April, 1933).

Corporate Practice—Council Minutes (215th Meeting), Item 19, Vol. 38, No. 5, page 392 (May, 1933).

Corporate Practice—Council Minutes (219th Meeting), Vol. 39, No. 4, page 276 (October, 1933).

Corporate Practice of Medicine—Council Minutes (220th Meeting), Vol. 40, No. 2, page 127 (February, 1934).

Corporate Practice of Medicine—Report of Council—House of Delegates Meeting (31st Meeting), Vol. 40, No. 6, page 432 (June, 1934).

Corporate Practice—Council Minutes (221st Meeting), Vol. 40, No. 6, page 449 (June, 1934).

Corporate Practice—Council Minutes (229th Meeting), Vol. 42, No. 1, page 53 (January, 1935).

Corporate Practice—Council Minutes (229th Meeting), Vol. 42, No. 2, page 129 (February, 1935).

Corporate Practice—Council Minutes (230th Meeting), Vol. 42, No. 3, pages 213, 214 (March, 1935).

Other paragraphs of equal interest are printed. Whether one believes it or not, it may be worth while to at least hastily peruse this column because, in the last analysis, the California Medical Practice Act is the legal rock to which ethical scientific medicine must be anchored. Some of the items may be commonplace and even sordid, but whatever their nature, they have to do with medical practice, and on that account, it should not be above physicians to know about even these unpleasant happenings.

## DRUG ADDICTION—DIFFICULTIES IN ITS ERADICATION

**Observance of Federal and State Narcotic Laws Obligatory.**—Narcotic eradication is a subject of importance to every physician, because nonobservance of federal or state narcotic laws may lead to serious results, and recent articles in CALIFORNIA AND WESTERN MEDICINE are of more than timely interest. In the current issue appears the discussion entitled "Experimental, Clinical and Legal Aspects of Drug Addiction," and in the Bedside Medicine section is a symposium on "Institutions for Morphin and Other Addiction-Forming Drugs." A third article on "Morphin Withdrawal," has a place in the Editorial Comment department.\* In the October number, in the California Medical Association column on page 301, the attention of members was called to the importance of observing federal and state narcotic statutes. And in every issue of this magazine the State Board of Medical Examiners' column is almost certain to include one or more records of narcotic law violations, and the penalties handed down to offenders in civil courts or by the State Board of Medical Examiners.

In the articles referred to, the respective authors call attention to the legal and other restrictions that become operative, not only when narcotic drugs are prescribed, in general practice, to relieve pain, but especially when physicians are appealed to by drug habitués—whether they be known as such or not making little difference in the eyes of the law.

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**Narcotic Statutes Could Be Improved.**—Narcotic statutes are by no means what they should be, nor, in many instances are the methods of administration; and it may be added that, at times, some of those who are charged with supervising the enforcement of the laws are not without blame. Those deficiencies, however, only emphasize the need of utmost care and caution in prescribing morphin and similar drugs, and make the articles printed in this issue worthy of perusal by every member. Read also, if you have not done so, or even read it again, the item on page 301 of the October issue.

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**Narcotic Problem Is Worthy of Continued Serious Study.**—The narcotic problem continues to deserve thoughtful study by both the

\* See pages 331, 366 and 326 for these articles.

medical profession and the lay public. Some of the present laws belong to what might be termed a "stop-gap" type, and should be replaced by something better; for the problem is altogether too serious to be solved by that kind of legislation. More active interest by medical organizations would go far in creating a better understanding of the subject, with resulting improvement in federal and state methods.

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**Subject Should Find a Place on County Society Programs.**—Component county societies might well place the topic, "Narcotics: Narcotic Laws and Narcotic Addiction," on one of their fall programs. Good discussions would probably reveal facts with which many members are unacquainted.

#### UNITED STATES SUPREME COURT RULING ON UNPROFESSIONAL ADVERTISING

**Reference to Court Decision Printed in This Issue.**—A special article, in this number,\* gives the opinion handed down by Chief Justice Charles Evans Hughes of the United States Supreme Court, on an appeal from a ruling by the Supreme Court of the State of Oregon, in which an advertising dentist sought "to enjoin enforcement of a statute providing for revocation of dentists' licenses because of the character of their advertising."

The legal and professional principles involved in this case of the Oregon State Board of Dental Examiners are closely related to similar problems in medical licensure. The Chief Justice admirably states the reasons why "a profession treating bodily ills" has a legitimate right to have standards of conduct differing from those of "traders in commodities," or "those which are traditional in the competition of the market place."

The opinion is not lengthy, and should be read by every member of the California Medical Association. It is gratifying to find the point of view of ethical practitioners of the healing art, in both medical and dental practice, so splendidly set forth, and by so eminent a jurist as Chief Justice Hughes.

#### A CURIOUS COURT DECISION

**Comment on a Newspaper Item.**—On October 21, a Los Angeles newspaper published a story with the usual display and the alluring caption, "Doctor's Emergency Aid for 'Humanity,' Says Court," and this choice item CALIFORNIA AND WESTERN MEDICINE finds it worth while to reprint on page 383 of this issue. If the account given in the newspaper is correct, one would be tempted to cogitate on how far this learned municipal judge would go with his humanitarian instincts (at the expense of his fellow citizens) in applying them to professions other than that of medicine.

\* See page 389.

**The Opinion May Be Legally Correct.**—Perhaps, from the legal standpoint, the woman injured in the automobile collision may not have been responsible for professional services rendered by the physician, into whose office she was carried, while unconscious, and unable herself, or through an authorized agent, to engage the services of the physician who was called upon to drop his other professional work in which he earned his living, in order to give her aid.

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**Learned Judge Might Apply the Principle Enunciated to His Own Profession.**—But for a judge to announce from the bench that a physician *must* do this, without financial recompense, is quite another matter. If such is the rule of humanitarian conduct, the principle should apply impartially to all professions, vocations and trades. If a physician, for example, from the standpoint of humanitarianism must give gratuitous aid to a person suffering from a bodily injury, would it not be equally proper that a member of the legal profession should give gratuitous counsel to a citizen without means, whose financial reverses, say, were bringing him to the point where he contemplated suicide? Would not free legal advice, from the humanitarian standpoint, be in order here? Do the members of the legal profession, or would the judge who handed down the opinion, if he were off the bench, so construe their humanitarian obligations?

Another case in point: when a humble citizen such as perhaps a hard-working Mexican, commits theft, to secure food or clothing for starving and poorly-clad children, would it not be an equally "humanitarian" act, under such conditions, to overlook the lapse, rather than to sentence the unfortunate to a comparatively heavy term in San Quentin penitentiary? Yet, one reads in the press, week after week, of just such sentences, and at San Quentin, one can look into the faces of some of these unfortunates, whom "Blind Justice" has seen fit to send there!

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**Why Comment Is Made Concerning the Decision.**—But enough—the opinion, to which reference is made, would hardly be worthy of comment, were it not for the fact that its emphasis by such publicity in the lay press, spreads a similar misleading concept among lay citizens. The moral evidently is that, even on the bench, thought and words might well be measured, before they are passed out for public consumption.

**Other State Association and Component County Society News.**—Additional news concerning the activities and work of the California Medical Association and its component county medical societies is printed in this issue, commencing on page 371.